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EXAMINER

PYO, MONICA M

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,838

Applicant(s)

CHAVES ET AL.

Examiner

Monica M. Pyo

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/23/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are present for examination.
2. Claims 1-7 are not examined.
3. Claims 8-24 are rejected.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to a method for receiving, generating, modifying and executing a search query, classified in class 707, subclass 101.
 - II. Claims 8-24, drawn to a method for providing a search query comprising an API for receiving a search constraint and a control field identifier, classified in class 707, subclass 3.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I has a separate utility such as generating and modifying a search query to have first returns and second returns; invention II has a separate utility such as receiving and automatically generating a search query. See MPEP § 806.05(d).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. During a telephone conversation with Mr. James Stover on 4/4/2006 a provisional election was made without traverse to prosecute the invention of group II, claims 8-24. Affirmation of this election must be made by applicant in replying to this office action. Claims 1-7 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

9. The information disclosure statement (IDS) submitted on 9/23/2003 was filed and considered by the examiner.

Specification

10. The disclosure is objected to because of the following informalities:

- The term "travel-logs" is misspelled in an Abstract (line 22).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claim 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 8, the term “if” in line 7 render the claim(s) indefinite because the claim(s) includes such condition rendering the scope of the claim unascertainable. What if the search query is not executed records from a data store? For the examining purpose, the Examiner is treating the claimed limitation as without the term “if” condition. Change is needed to make the claim ascertainable and definite.

Claims not specifically mentioned above are rejected by virtue of their dependency to Claim 8.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 8-12, 15-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0254920 by Brill et al. (hereafter Brill).

Claims 8, 15 and 21:

Regarding Claim 8, Brill disclose a method for providing a search query, comprising:

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- providing an Application Programming Interface (API) for receiving a search constraint and a control field identifier (Brill: pgs. 3-4, [0032 & 0034]; pg. 7, [0063 & 0065]); and
- providing a search generating module interfaced to the API for automatically generating a search query from the search constraint and the control field identifier (Brill: pg. 3, [0030]; pg. 6, [0051-0052]; pg. 7, [0065]);
- wherein if the search query is executed records from a data store are returned representing data store records that satisfy the search constraint and have identical values for the control field identifier for each customer identification value (Brill: pg. 4, [0031 & 0033-0034]).

Claim 9:

Regarding Claim 9, Brill disclose the method further comprising providing a command option within the API to manually execute the search query (Brill: pg. 7, [0063]; pg. 9, [0086]).

Claim 10:

Regarding Claim 10, Brill disclose the method further comprising presenting the records when the command option is selected (Brill: pg. 7, [0063]; pg. 9, [0086]).

Claim 11:

Regarding Claim 11, Brill disclose the method wherein the providing of the search generating module further includes interfacing the API to the search generating module over a network (Brill: pg. 9, [0087]).

Claim 12:

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Regarding Claim 12, Brill disclose the method wherein the providing the API further includes interfacing the API to one or more automated applications (Brill: pg. 3, [0066]; pg. 7, [0066]).

Claim 16:

Regarding Claim 16, Brill disclose the system wherein the search query interface includes a Graphical User Interface (GUI) application for receiving the search constraint and the control field identifier and an Application Programming Interface (API) that interfaces the GUI application to the search generating module (Brill: pg. 7, [0063 & 0065]).

Claim 17:

Regarding Claim 17, Brill disclose the system of claim 15 wherein the search generating module automatically executes the search query and presents the records to the search query interface (Brill: pg. 3, [0066]; pg. 7, [0063 & 0066]; pg. 9, [0086]).

Claim 18:

Regarding Claim 18, Brill disclose the system wherein the search generating module executes the search query and presents the records to the search query interface when instructed to do so by the search query interface (Brill: pg. 7, [0063]; pg. 9, [0086]).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 13 & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brill in view of U.S. Patent No. 5,948,040 issued to DeLorme et al. (hereafter DeLorme).

Claim 13:

Regarding Claim 13, Brill disclose the method further comprising interfacing the records automatically after the search query is executed (Brill: pg. 1, [0007]).

Brill does not disclose: a marketing campaign module.

However, DeLorme disclose: a marketing campaign (as marketing online advertising; DeLorme: cols. 64-65, lns. 56-67 & 1-13).

It would have been obvious to a person with ordinary skill in the art at the time of invention to combine the travel reservation and planning system of DeLorme into the distributional analysis method to improve search results of Brill. Skilled artisan would have been motivated to incorporate the DeLorme's teaching of marketing advertisement for travelers in the Brill's teaching to improve content search engine results to utilize the computerized travel reservation information and planning system as suggested by DeLorme.

Claim 22:

Regarding Claim 22, Brill does not disclose the system wherein the system is interfaced to a customer segmentation module.

However, DeLorme disclose the system wherein the system is interfaced to a customer segmentation module (as an itinerary of travel information SCHEDULER sub-menu; DeLorme: cols. 9-10, lns. 65-67 & 1-9; col. 33, lns. 30-52)

It would have been obvious to a person with ordinary skill in the art at the time of invention to combine the travel reservation and planning system of DeLorme into the distributional analysis method to improve search results of Brill. Skilled artisan would have been motivated to incorporate the DeLorme's teaching of marketing advertisement for travelers and the travelers' itinerary data in the Brill's teaching to improve content search engine results to utilize the computerized travel reservation information and planning system as suggested by DeLorme.

Claim 23:

Regarding Claim 23, Brill and DeLorme disclose the system wherein the system is used to generate a travel customer segmentation population based on a marketing campaign's search constraint representing an instance of the search constraint and wherein the control filed identifier is a trip identifier (Brill: pgs. 3-4, [0032 & 0034]) and (DeLorme: cols 9-10, lns. 65-67 & 1-9; cols. 64-65, lns. 56-67 & 1-13).

Claim 24:

Regarding Claim 24, Brill and DeLorme disclose the system wherein the marketing campaign's search constraint includes at least one of a hotel stay constraint, a rental car constraint, a destination constraint, and a layover constraint (DeLorme: col. 14, lns. 24-35).

17. Claims 14 & 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brill in view of U.S. Patent No. 6,334,131 issued to Chakraburti et al. (hereafter Chakraburti).

Claims 14 & 19:

Regarding Claim 14, Brill disclose the method further comprising the search constraint (Brill: pgs. 3-4, [0032 & 0034]).

However, Chakraburti disclose generating hierarchies from portions of the records when the search query is executed, wherein each hierarchy represents an aspect (as directing the search to the relevant section; Chakraburti: cols. 9-10; lns. 65-67 & 1-15).

It would have been obvious to a person with ordinary skill in the art at the time of invention to combine the hierarchical information structures of Chakraburti into the distributional analysis method to improve search results of Brill. Skilled artisan would have been motivated to incorporate the Chakraburti's teaching of cataloging and filtering method in the Brill's teaching to improve content search engine results to utilize the method to implement ranking frame based hierarchical information structures as suggested by Chakraburti.

Claim 19 is also rejected based upon the same reasoning as Claim 14.

Claim 20:

Regarding Claim 20, Brill and Chakraburti disclose the wherein the hierarchies are linked to fields in the data store and can be activated from the search query interface to present different views of the hierarchies (Brill: pg. 7, [0063]) & (Chakraburti: col. 9, lns. 65-67; col. 10, lns. 1-15 & 20-33).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monica M Pyo
Examiner
Art Unit 2161

mp
4/5/2006

Cam y Tuong
primary Examiner